S.B.Cr.Misc. Bail App. No. 4642/2007
(Smt. Shyama Bai Vs. State of Rajasthan)

Date of order : 27/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg, for the petitioner.

Mr. Ashok Upadhyay Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that soon after the occurrence, the injured was admitted to the Maharana Bhupal Govt. Hospital, Udaipur where she made a statement before the Doctor that she caught fire while liting the stove.

On perusal of the police investigation diary as also bed head ticket on record, it clearly reveals that the injured herself given the history of the occurrence and stated that she got the burn injury by Chulha at home at about 5 A.M. accidently. It appears from the bed head ticket that at the time of making the statement, the injured was conscious and thereafter after 40 days of the occurrence, a complaint has been filed in the Court against the petitioner.

Looking to the facts and circumstances of the case and keeping in view the initial statement of the injured to the doctor which is evident from the bed head ticket, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on

bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Shyama Bai W/o Nand Lal be released on bail in FIR No. 104/2007 P.S. Badi Sadri, district Chittorgarh, provided she executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP